

NEW PARAGRAPH. d. Failure of a surviving spouse to take against a will pursuant to chapter 633, division V, constitutes a transfer of assets for the purpose of determining eligibility for medical assistance to the extent that the value received by taking against the will would have exceeded the value of the inheritance received under the will.

Sec. 4. Section 249F.1, subsection 2, paragraph b, subparagraph (5), Code 1999, is amended to read as follows:

(5) Transfers of less than two thousand dollars. However, all transfers by the same transferor during ~~a calendar year~~ the five-year period prior to application for medical assistance by the transferor shall be aggregated. If a transferor transfers property to more than one transferee during ~~a calendar year~~ the five-year period prior to application for medical assistance by the transferor, the two thousand dollar exemption shall be divided equally between the transferees.

Sec. 5. Section 249F.1, subsection 2, paragraph b, subparagraph (9), Code 1999, is amended by striking the subparagraph.

Sec. 6. **NEW SECTION.** 249F.6A EXEMPTION FROM CHAPTER 17A.

Actions initiated under this chapter are not subject to chapter 17A. Review by the district court shall be an original hearing before the district court.

Sec. 7. **NEW SECTION.** 633.246A MEDICAL ASSISTANCE ELIGIBILITY.

Failure of a surviving spouse to take against a will under this division constitutes a transfer of assets for the purpose of determining eligibility for medical assistance pursuant to chapter 249A to the extent that the value received by taking against the will would have exceeded the value of the inheritance received under the will.

Sec. 8. Section 633.704, Code Supplement 1999, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. MEDICAL ASSISTANCE ELIGIBILITY. A disclaimer of any property, interest, or right under this section constitutes a transfer of assets for the purpose of determining eligibility for medical assistance under chapter 249A, in an amount equal to the value of the property, interest, or right disclaimed.

Approved April 6, 2000

CHAPTER 1061

RENTED MOTOR VEHICLES — STOPPING, STANDING, OR PARKING VIOLATIONS

H.F. 2512

AN ACT relating to certain violations attributed to motor vehicles rented from motor vehicle rental companies.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.484, unnumbered paragraph 2, Code 1999, is amended to read as follows:

The owner of a vehicle shall not be held responsible for a violation of a provision regulating the stopping, standing, or parking of a vehicle, whether the provision is contained in this chapter, or chapter 321L, or an ordinance or other regulation or rule, if the owner

establishes that at the time of the violation the vehicle was in the custody of an identified person other than the owner pursuant to a lease as defined in chapter 321F or pursuant to a rental agreement as defined in section 516D.3. The furnishing to the clerk of the district court where the charge is pending of a copy of the lease prescribed by section 321F.6 or rental agreement that was in effect for the vehicle at the time of the alleged violation shall be prima facie evidence that the vehicle was in the custody of an identified person other than the owner within the meaning of this paragraph, and the charge against the owner shall be dismissed. The clerk of the district court then shall cause a uniform citation and complaint to be issued against the lessee or renter of the vehicle, and the citation shall be served upon the defendant by ordinary mail directed to the defendant at the address shown in the lease or rental agreement.

Approved April 6, 2000

CHAPTER 1062

MOTOR VEHICLE ACCIDENTS — DAMAGES

H.F. 2525

AN ACT relating to limitations on recoverable noneconomic damages in legal actions arising out of motor vehicle accidents.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 613.20 LIMITATION ON LIABILITY OF MOTOR VEHICLE OPERATORS.

1. Except as provided in subsection 2, in an action to recover damages arising out of the operation or use of a motor vehicle, a person shall not recover noneconomic losses including, but not limited to, pain and suffering if the injured person was the operator of a motor vehicle, a passenger in a motor vehicle, or a pedestrian and the person's injuries were proximately caused by the person's commission of any felony, or immediate flight therefrom, and the injured person was duly convicted of that felony.

2. This section does not apply if the injured person is found to have no fault in the accident.

3. If a person injured in a motor vehicle accident has been formally charged with the violation of the felony referred to in subsection 1, but a final determination regarding guilt has not been made, liability and uninsured and underinsured motorist insurers, to whom a claim for damages has been presented, shall advise the injured party that settlement of the claim will not be resolved until a final judgment is rendered on the charges. The injured party claiming damages shall provide evidence of the outcome of any criminal charges.

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